



KANSAS CRIMINAL JUSTICE COORDINATING COUNCIL

KCJIS *NEWSLETTER*

Volume 6: Issue 1; March, 2004

Salina/Saline County Kansas Misdemeanor Warrants

by Wayne Pruitt
Salina Police Department

In my 20-plus years being involved in Law Enforcement and Communications, one of the big topics was having a Kansas Misdemeanor Warrant file. These files would contain arrest warrants that do not meet the criteria for entry into the National Crime Information Center (NCIC). The Kansas Misdemeanor Warrant Files would only be utilized by Kansas Law Enforcement Agencies.

Once this became a reality, our next challenge was how to enter all of these warrants into the hot files in a timely manner. We knew that by entering the warrants into the Kansas Files, agencies throughout the State of Kansas would be able to make inquiries. This would increase the number of warrants served and would remove wanted persons from the streets and highways of Kansas. After checking with our Municipal Court, we found them to be understaffed and unable to enter their warrants in the hot files. We had 3,053 warrants to enter and by our calculations it would take 1,036 hours to enter these warrants and still keep up with any new warrants that were issued.

I had learned from Lance Royer from the Shawnee County Sheriffs Office that they hired a third party vendor to copy all their misdemeanor warrants into the Kansas Hot Files. Lance advised the programmer they used was able to enter 99% of their warrants leaving them 1% to enter manually. Lance was able to put me in contact with Blake Courtney, the owner of Balance Wheel Technologies, Inc.

We started out with 3,053 warrants and on February 10, 2004 Balance Wheel Technologies, Inc. entered 3,018 Salina Municipal Court Warrants into the Kansas Hot files, leaving only 35 warrants that had to be entered manually. Within 36 hours we received 19 hit confirmations from various agencies throughout Kansas. By utilizing the Kansas Car Stop Screen through communications and the mobile computers, the Salina Police Department and Saline County Sheriff's Office are now able to check NCIC and Kansas Hot Files increasing our criminal arrests. After speaking with other agencies that are utilizing the hot files to enter misdemeanor warrants, all agree the backlog of outstanding warrants has dropped significantly.

Basic Law Enforcement Communications

Operator Training

by Captain Ken Justice
Kansas Highway Patrol

We have added the following classes to our "Basic Law Enforcement Communications Operator Training" schedule for 2004.

May 10-21
August 16-27
October 4-15

Information about the class and the registration form are posted on the KHP KCJIS webpage at www.kansashighwaypatrol.org/kcjis All classes will be held in Salina at the KHP Training Academy, and instructed by KHP CJIS Trainers.

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**** TRAINING ANNOUNCEMENT ****

Introduction to Portal 100 (P-100) Software

The KBI will provide a three-hour class on the Portal 100 software. The objective of this class is to provide a general overview of the software, to include:

- What it is;
- how it works;
- how it differs from Datamaxx's LINXX 2010 software;
- how the software can benefit you and your organization (whether you dispatch or not!!!); and
- how to obtain it (**it's free and it's easy!**)!
- Time will be provided to answer any questions you may have regarding the software or KCJIS in general, including other KCJIS functionality, such as web portal, Kansas criminal history, KBIRS and KsLEIN access.

Who should attend?

- Any criminal justice employee who uses information from national, state and local criminal justice databases, including NCIC, III, driver's licenses, vehicle registrations, criminal history records, and the Kansas hot files. This would include staffs from law enforcement, prosecutors, courts and correction agencies.
- Agency administrators, as well as TACs, are also encouraged to attend.

Instructors: Vicky Harris and/or Denise Wheeler, Communications/Help Desk Unit, KBI

Time: 9:00am - 12:00 noon
1:00pm - 4:00pm (repeat of morning session)

Location/Dates:

Topeka	March 5, 2004 Topeka Police Department, 320 S. Kansas Avenue, Topeka, Kansas Limit: 40 per session.
Erie	March 8, 2004 Neosho County Courthouse, 100 S. Main, Erie, Kansas Limit: 70-80 per session.
Hays	March 11, 2004 City Hall Conference Center, 1507 Main, Hays, Kansas Limit: 40 per session.
Clay Center	March 15, 2004 Clay County Emergency Service Academy, 703 Second Street, Clay Center Limit: 40 per session
**Kansas City	March 16, 2004 KCK Community College Police, 7250 State Avenue, KCK Limit: 120 per session (park in Flint Parking Lot, go into the Nursing Building, go downstairs and turn left.
**Newton	March 16, 2004 Harvey County Law Enforcement Training Center, 120 E 7 th , Newton, Limit: 40 per session. (Parking in the south parking lots across from the LEC.)
Wichita	March 17, 2004 Wichita State University Hughes Metroplex Campus, Sudeman Room, 29 th & Oliver, Wichita, Kansas Limit: 80 per session.
Colby	March 22, 2004 Colby Community Building, 285 E. 5 th Street, Colby Limit: 40 per session.
Garden City	March 23, 2004 Garden City Community College, 801 Campus Drive, John Collins Building, Dept. of Public Safety (V109) Limit: 50 per session

** Two locations on 3/16/04 - KCK and Newton, Kansas.

Registration:

Register to attend the class by notifying Vicky Harris with your name, date, location, and time - (either morning or afternoon session). Register by email: vicky.harris@kbi.state.ks.us, or by network mnemonic "TPKKB001D", or by phone: 785-296-8261. Sessions are limited in size so please reserve a seat early.

Training Opportunities: **Basic KCJIS Law Enforcement Application Course**

by Mike Robb
KBI Program Consultant

- Osage County Sheriff's Department, Osage City, 8:00am to 5:00pm, March 16, 2004
- Ellsworth Correctional Facility, Ellsworth, 8:00am to 5:00pm, March 23, 2004

Contact KBI Program Consultant Mike Robb at 620-658-4422 or mike.rob主@kbi.state.ks.us to enroll in either of the basic courses.

Livescan Training

by Dave Sim
KBI Records Section

Motorola/Printrak, the vendor for the Kansas AFIS host system at the KBI, recently conducted a series of four classes for livescan operations. These were 8-hour sessions to "train the trainer" in topics of technical insight to the livescan environment and quality control of fingerprint records.

Sedgwick County Jail hosted two of these training sessions at their facility in Wichita, attended by representatives of Butler, Finney, Lyon, Reno, Seward and Sedgwick County Sheriff's Offices and the Kansas Department of Corrections in El Dorado.

The other two sessions were held at the KBI HQ in Topeka. Attendees represented Johnson and Wyandotte County Sheriff's Offices; the Riley County, Olathe and Shawnee Police Departments; Topeka Municipal Court; Shawnee Mission School District and the Kansas Department of Corrections in Topeka.

What is the Zero Report and why use it?

by Janell Zeiler
KBI CDIC Unit

The Crime Data Information Center at the KBI has once again requested that agencies submit a zero report when they will not be submitting certain reports for a particular month.

In order to compile and provide accurate statistical information, we request your cooperation to submit data in a timely manner. Throughout the month of February every agency with an active ORI should have received a letter explaining the necessity in using this form.

On occasions, an agency may have no offenses, arrests, law enforcement officers killed or assaulted in the line of duty or supplemental homicides to report for a given month. In order to compute valid crime rates and trends, it is necessary that the KBI and FBI be able to identify months during which no criminal activity occurred. It is important to differentiate between no crime occurring and no crime information being submitted.

CDIC asks that each agency submit their zero report by the 5th day of each month for the previous month's information. If you have any questions, if you did not receive a copy of this report or need additional copies please contact Janell Zeiler at 785-296-8279.

KCJIS Law Enforcement Application Users: **The Importance of Backing-up and Compacting Data**

by Mike Robb
KBI Program Consultant

One of the most common issues encountered by KCJIS Law Application agencies results from not backing up data often enough. How often are you backing up the data? And when was the last time you used available tools to compact your data? In many instances the calls related to lost information or contaminated data could have been avoided by using or checking the compact feature in the tools program. The compact tool, when used, reduces fragmentation by sorting and stacking data in the LawBE.mdb file. Here are a few suggestions.

- If your agency enters 50 or more cases per month then **compact** once a month.
- If your agency enters less than 50 cases per month then **compact** quarterly.
- How much data can you afford to lose? **Daily backups** will reduce your restoration effort in the event of lost data.
- To achieve complete recovery **you must backup three files**: (1) Lawbe.mdb, (2) SecurAdmin.mdb, and (3) Cjis.mdw. In the event that you destroyed the entire program, you could recover by installing up to the current levels and adding in the three backed up files.
- Compacting and backing up your data at regular intervals will keep your programs operating. Please call or email Mike Robb at 620-658-4422 or mike.rob主@kbi.state.ks.us if you need assistance with compacting or backing up your files.

Public Access: Internet Record Checks

by Dave Sim
KBI Records Section

Your child's daycare center wants to determine whether or not a prospective employee has a criminal record in Kansas. And they'd prefer to obtain this information on-line, with results returned immediately.

KCJIS is ready to make that service available. Beginning this March 15th, Kansas record checks for non-criminal justice purposes will be available to the public over the Internet.

The KBI has been working for many months to establish an Internet web site for public record checks of the Kansas Central Repository. The Public Access System (PAS) has been an on-going project involving a tremendous amount of planning and preparation, not the least of which was the automation of over 390,000 Kansas criminal history records.

The Information Network Kansas (INK) is the KBI's partner in designing and developing the PAS. PAS will be a fee-based service, and payment can be made either by credit card or by obtaining an INK "subscriber's account."

INK is experienced in delivering official Kansas records over the Internet. The INK web site provides access to a tremendous amount of state and local governmental information and databases, and has hosted the Kansas Offender Registry web site for the past couple of years. The PAS is a logical extension of INK offerings, and will fit well in their web portal.

The PAS site has been designed and many of the web pages have been created. Behind the scenes, the KBI and INK programmers have established the data exchange routines and are now testing the movement of records requests and responses.

If the implementation schedule holds, you should be able to find PAS up and running after March 15th by visiting www.accesskansas.org and looking for "Kansas criminal history records."

Livescan Update: Crawford County, Wyandotte County and Shawnee Mission School District

by Dave Sim
KBI Records Section

In January and February, the Crawford County Sheriff's Office, the Wyandotte County Juvenile Intake and Assessment Center and Shawnee Mission School District (USD 512) successfully submitted electronic fingerprint livescan test records to the Kansas Central Repository at the KBI.

Wyandotte Juvenile Intake and Assessment is sending juvenile arrest/booking records and, at the time this newsletter went to press, Crawford County and Shawnee Mission School District were preparing to move beyond testing and go "into production."

These three connections are the 18th, 19th and 20th livescan devices to electronically transmit fingerprint records to the KBI. The other connected agencies are the Kansas Department of Corrections, Finney County Sheriff, Johnson County Sheriff, Johnson County Detention Center, Leawood Police Department, Leavenworth County Sheriff, Lyon County Sheriff, Miami County Sheriff, Pratt County Sheriff, Reno County Sheriff, Saline County Sheriff, Sedgwick County Jail, Shawnee Police Department, Shawnee County Department of Corrections and the Topeka Municipal Court.

The Shawnee Mission School District livescan is the first non-criminal justice agency in Kansas connected for the electronic submission of civil fingerprint records. And they're one of the few civil agencies in the nation to have established that connectivity



Reporting issues with KIBRS/NIBRS Data...

by Janell Zeiler
KBI CDIC Unit

- When an agency arrests an individual for a warrant that did not originate from their jurisdiction they do not need to submit a KSAR to the KBI. It is requested that whenever an agency makes an arrest for another jurisdiction, they communicate with the originator so they can submit the appropriate paperwork with the original case number and date of incident to clear their case.
- Who files a KSAR for a runaway? KSAR's for runaways should be handled in the same manner as warrants. The jurisdiction in which the individual lived and ran from should file the KSAR for the apprehension of the juvenile.
- CDIC has noticed a large amount of KSOR's that have been submitted involving domestic violence flags that do not provide a relationship between the suspect and the victim. It is required to submit the relationship for all cases that are flagged DV.
- There are a number of agencies that are concerned with providing juvenile and law enforcement officer's personal information on the front page of a KSOR. The front page of the report is open public record. We have asked agencies to at least submit the Race, Sex, Ethnicity, Resident/Non Resident Status, and Date of Birth/Age on the front page. The name of the victim can be provided on the back page in the brief narrative area. If that does not satisfy the agencies individual policy, all information can be listed within the narrative section.
- When a report is submitted with an exceptional clearance, the report must contain the suspect's race, sex, date of birth/age or age range.
- A KSOR can only be cleared by arrest or by exceptional clearance, not both. Therefore, if an agency has submitted a KSAR, it can not be cleared at a later date through an exceptional clearance. The KSAR over-rides an exceptional clearance on a case for KIBRS reporting purposes.

- There have been a number of agencies contacting CDIC since the quality assurance letters were mailed earlier in February. The major concern has been with the theft of a credit card and criminal use of the credit card under the same case number. We have asked for agencies to take a look at their reporting procedures. In some cases it may be appropriate to have both offenses within the same case. However, due to time and place of the offenses it might be better for incident based reporting purposes to separate them into two individual cases.

HAZMAT Endorsement: Yet Another Update

by Dave Sim
KBI Records Section

(This topic is becoming a regular feature of the *KCJIS Newsletter*.) As you have read in previous editions, federal implementation of the USA PATRIOT Act of 2001 requires the Transportation Security Administration (TSA) to conduct a background check of every commercial truck driver who is authorized to carry hazardous materials (HAZMAT). These checks are to be fingerprint-based and initiated at the state level beginning April 1 of this year.

For the past few months, TSA has been drafting the formal rules and procedures to implement the background check. Those rules and procedures will be published in the Federal Register as a *Notice of Proposed Rulemaking*. This publication must precede the actual start of the checks. So we can anticipate that the background checks won't be started for several months.

The Kansas Department of Administration's Division of Vehicles (DMV) and the KBI have proposed plans to capture fingerprints on livescan devices at eight DMV licensing sites. These fingerprint records will be electronically transmitted to the KBI and on to the FBI. The KBI will also transmit electronic rapsheets to TSA for those records found in the Kansas Central Repository.

This proposal has been transmitted to TSA for their consideration. If TSA is inclined to allow Kansas to proceed as a "prototype" or "model", we will become one of the first states to begin conducting the HAZMAT endorsement checks.

Statute File Released

by Dave Sim
KBI Records Section

The second version of the calendar year 2003 statute file was distributed in early November. That was a late release because a couple of criminal laws became effective on November 1st.

The KCJIS Statute File is the compilation of offense citations from Kansas statutes. It represents the standard for describing a crime when exchanging information within the KCJIS environment. The KBI maintains the Statute File and issues revised versions each year to reflect changes to criminal law by the Kansas Legislature. Normally, there are two versions released each year; one soon after the legislative session ends and a second version after all the new laws are given their final chapter and section citations by the Revisor of Statutes.

The first version release for calendar year 2004 is anticipated in July.

Agencies that use the KCJIS Statute File are automatically sent an electronic copy of each version release. If your agency was overlooked, you may obtain a copy and get yourself on the e-mailing list by contacting PSA I Barbie Berggren, Supervisor, KBI Document Processing Unit, telephone (785) 296-8269. Or e-mail Barbie at: Barbie.berggren@kbi.state.ks.us.

Accurate and Timely Reporting...

by Janell Zeiler
KBI CDIC Unit

The CDIC unit is currently entering February data. They are asking for agencies assistance in submitting accurate and timely Kansas Standard Offense and Kansas Standard Arrest Reports to the KBI.

Kansas Statutes Annotated 21-2501a reads that all law enforcement agencies having the responsibility of maintaining a permanent record of offenses shall file with the bureau of investigation, on a form approved by the attorney general, a report on each offense for which a permanent record is required within seventy-two (72) hours after such offense is reported or known to have been committed.

Throughout February there were letters and emails forwarded to agencies requesting all January data be submitted no later than February 23. There was also a request that all February data be submitted no later than the 15th of March. It has been our recommendation to agencies that they submit data at least once a week to the KBI headquarters. If this schedule is followed all data for a particular month should arrive no later than one week into the next month.

The CDIC unit does understand and realize that under some circumstances beyond the control of the agency data may occasional be reported later than what has been requested. However, it needs to be remembered the incident based reporting is based off the preliminary confirmation of a complaint not how the agency believes the prosecutor will file charges. KIBRS is intended to assist and provide law enforcement with a statistics and specific crime information throughout their jurisdiction and the entire state.

“Central Repository Operations Bulletin”

by Dave Sim
KBI Records Section

In February, the Records Section of the KBI Central Repository published by e-mail the first edition of a bulletin aimed at providing technical information about Central Repository functions, rules and procedures.

The target audience for this bulletin is the first-level supervisor responsible for compliance with statutory and procedural standards for data exchange in the KCJIS environment. The bulletin will be published about once per quarter.

Subscriptions to the Operations Bulletin are available by contacting PSA I Barbie Berggren, Supervisor, KBI Document Processing Unit, at: Barbie.berggren@kbi.state.ks.us. Include “Central Repository Operations Bulletin” in the subject line.

The bulletin is also available on-line in the KCJIS web site at: <https://www.kcjis.state.ks.us/Information/Services/>

FAQ

Q – Our Police Department books our own arrestees and our Records Unit sends the arrest/booking fingerprint cards to the KBI. Occasionally, after a subject is arrested and booked, the detective handling the investigation develops additional charges related to the arrested charges. When this happens, should we re-book the subject for the new charges and send the second fingerprint card to the KBI?

A – No. An additional fingerprint submission is not necessary. Since the original charges and the added charges are all part of the single event and will be prosecuted together, there is no need to send a second fingerprint record to the KBI. The KBI will receive both the original and the additional charges from the prosecutor's submission of the Kansas Disposition Report (KDR).

Q – Another booking question: We recently had a subject arrested and booked, then, before he bonded out, we found out that he's the subject of a totally different investigation. Before we let him go, should we re-book him for the second offense?

A – Yes, a second fingerprint submission to the KBI is appropriate. Since the only common element between the two incidents/offenses is the subject, the two events will be disposed of separately. Normal police practice would be to book the subject for the second incident/offense, generating a new fingerprint record for the KBI. Then each arrest/booking would constitute a unique criminal history cycle in the subject's record, and the disposition of each would be recorded on a KDR from the prosecutor(s).

Q – When submitting fingerprint data via livescan to the KBI AFIS, what are the criteria used by the KBI to determine the "real" name of the individual?

A – Subject names are added to the computerized criminal history database (CCH) and flagged as one or more of three types of name; MASTER, ALIAS and NAME USED AT THE TIME OF ARREST. The names will be added to CCH using the following business rules:

- If the record does not already exist in CCH, the name that the subject gave as his own is flagged as the MASTER name. That will be the "Subject's Name" information on the arrest fingerprint card. If there are additional names known to the arresting agency (for example, a forged driver's license, a prior local arrest record, self-reporting...), they should be added to the fingerprint card and will be flagged by the KBI as ALIASES. And the MASTER name will also be flagged in CCH as the Name Used At the Time of Arrest.
- For any arrest submitted after the first one, the name the subject gave as his own will be flagged as the next NAME USED AT THE TIME OF ARREST and at the same time will also be added as an ALIAS name if the name is new to the subject's CCH record.
- If a contributing agency determines the "true identity" of the subject, then the agency may submit that information to the KBI and the MASTER/ALIAS flags will be adjusted as necessary.

The KBI does not research subject files to determine which name is the subject's "real" name. But if a criminal justice agency does happen to determine a subject's actual identity, the KBI would appreciate that information and will use it to improve CCH.

Q – Another identity question: After a subject is arrested and booked, it is determined that the name under which he was booked was false and his true name is determined. We've already sent the fingerprint card to the KBI, so what should we do to correct the record?

A – A faxed notice to the KBI Records Section is appropriate. When the Records Section is notified of the person's real name, the name will be added to the arrest record and noted as the "master name" for the Central Repository. His criminal history will then reflect his real name as the "master name" and the false name as the "name used" for the arrest. The faxed notice will be added to the subject's record as the source and authority for the "master name."

Q – I work at the Sheriff’s Office. Our local Public Housing Authority (PHA) has asked for assistance in running criminal history record checks on applicants for public housing. What type of check are PHAs entitled to conduct?

A – The PHA may either submit a fingerprint card for a national check by the FBI or they may opt to conduct a name check of the Interstate Identification Index (Triple I).

Q – What authority do PHA have to obtain a Triple I?

A – United States Public Law (Pub. L.) 104-120 permits PHA access to national criminal history records to screen applicants for housing that is owned and operated by the U. S. Department of Housing and Urban Development (HUD). Later, Pub. L. 105-276 extended authority for these checks to include applicants for housing that is administered (not merely owned) by HUD housing authority and for which HUD funds are disbursed under the provisions of the Section 8 voucher programs. That broadened the circumstances under which a Triple I can be run. Another reference of note is Title 24, Code of Federal Regulation, Part 5, Subpart J; this provides rules and procedures to implement the public law.

Q – So does that mean that a private owner of housing would be entitled to receive Triple I information if he/she accepted Section 8 vouchers?

A – Yes. But it must be obtained through the local PHA. The private owner can’t initiate Triple I checks by himself/herself.

Q – We also have an Indian Tribal Authority within our county. Is tribal housing covered by access to these criminal history checks?

A – Yes, under Pub. L. 104-330.

Q – And what type of response does the PHA receive for Triple I name checks conducted under those two U. S. Public Laws?

A – Just a limited response from the FBI. That will be either a no-hit or notice that there might be a matching record in the national database. The PHA should follow up on a notice of possible record by submitting a fingerprint card and request for the subject’s national record. If the FBI matches the fingerprints, then the FBI rapsheet is returned to the PHA.

Q – How does the FBI limit their response to just no-record or possible record? Name checks of Triple I that match a record in the national database usually return the entire criminal history.

A – The Triple I name check must be run under purpose code “H” (PUR/H). That code permits the FBI to send only the no-record/possible match message in response.

Q – Does that mean that the PHA should have its own ORI?

A – Yes. The FBI issues ORI to PHA that participate in the record check process. All ORI issued to PHA end in “9Q.” That permits the FBI to respond to name checks; they look for the 9Q in the ORI for all PUR/H record checks. And that triggers the unique no-record/possible record response.

Q – How does my local PHA obtain an ORI?

A – The same way any criminal justice agency does. Apply to the Kansas Control Terminal Agency (the Kansas Highway Patrol).

Q – Are these procedures for Triple I checks documented?

A – Yes. NCIC Technical and Operational Update (TOU) 96-5 covers this topic in detail.

Q – OK, here’s the big question. Is my Sheriff’s Office required to run these PUR/H name checks?

A – The public law language anticipates that the local Police Department or Sheriff’s Office will run the Triple I, but there have been no sanctions applied for refusal to do so.

Q – But how are fingerprint checks processed by PHA? Must the PHA conduct the Triple I name check before being permitted to submit a fingerprint card for a national record check?

A – No. The PHA is not required to conduct a name check before submitting a fingerprint card. The fingerprint card submission may be the only check conducted, or it may be used only to follow up on a name check of Triple I. That is at the discretion of the PHA.

Q – How does the PHA obtain the fingerprints and how do they submit them for processing?

A – The FBI will supply the PHA with civil fingerprint cards after the PHA has been issued an ORI. The PHA then must make arrangements for fingerprinting services with a local law enforcement agency or some other entity capable of rolling the prints. The cards are then submitted to a “channeling agency” that is permitted to collect and submit HUD fingerprint records to the FBI. There are two channeling agencies currently providing this service. Alternatively, the PHA may opt to send the fingerprints to the KBI for state identification and then on to the FBI rather than sending the cards to a channeling agency. In either case, the PHA will receive the results of the national record check directly from the FBI.

Q – So my Sheriff’s Office is only required to provide the fingerprinting service, but won’t have to mail the cards to the KBI or the channeling agency or receive the KBI or FBI identification responses?

A – Correct. If you provide civil fingerprinting service to others, you should offer the same service to your PHA (and you are entitled to charge a reasonable fee for your time and effort). But the PHA is responsible for sending the cards for identification and receiving the resulting records directly.

Q. Who should my local PHA contact for more information on the HUD record checks?

A – The HUD office in Kansas City Missouri is responsible for supporting all PHA in Kansas. Their point of contact is Cindy Blair, at (913) 551-6916.

Q – Is the title of the federal Patriot act an acronym?

A – Yes. The proper title is the USA PATRIOT Act. It stands for “*Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism.*”



NEWSLETTER

The KCJIS NEWSLETTER is published by the
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